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Remarks

Applicants have canceled claims 9-16 without prejudice. Applicants reserve the right to prosecute these claims in a divisional application.

Rejections

35 U.S.C. §112, first paragraph

Claim 17 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirements. The Office Action asserts that the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim contains subject matter not described in the specification as originally filed such as the block copolymer set for the claim.

Applicants traverse the rejection.

Claim 17 is the same exact claim as misnumbered claim 9 from the originally filed preliminary amendment. This preliminary amendment was filed concurrently with the originally filed application (see the Application Data Sheet), and as such, is considered part of the original disclosure. Therefore, claim 17 does comply with the first paragraph of 35 U.S.C. §112, written description requirements. See MPEP 608.04(b). A supplemental oath and declaration is being included herewith.

35 U.S.C. §102(e)

Claims 1, 3, 6, and 8 have been rejected under 35 U.S.C. §102(e) as being anticipated by Bolduc et al. (US 6,622,367). The Office Action asserts that Bolduc discloses a catheter (fig. 34) as claimed.

Claim 1 has been amended to clarify that the distal tip of the present invention is noneverted. Support is found at least from figure 6, page 3 of the drawing sheets. No new matter has been added.

Applicants assert that Bolduc et al. (US 6,622,367) discloses a catheter which is manufactured using an expanded PTFE liner at the distal portion (Abstract). The distal portion

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of the liner extends beyond a reinforcing layer and a jacket, and the end of the liner is everted (i.e. folded upon itself as shown by fig. 34) for a length of at least 0.5 mm and more preferably 1-2 mm and preferably 2 mm to for the soft tip (see col. 26, lines 3-16).

Claim 1 of the present invention as amended is directed to a noneverted distal tip which is not the same as the everted tip of Bolduc et al.

Claims 3, 6 and 8 depend from claim 1 and are patentable over Bolduc et al. for at least the reasons that claim 1 is patentable over Bolduc et al.

Applicants respectfully request withdrawal of the rejection of claims 1, 3, 6 and 8 under 35 U.S.C. §102(e) as being anticipated by Bolduc et al. (US 6,622,367).

35 U.S.C. §102(b)

Claims 1, 7 and 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mueller (US 4,801,297). The Office Action asserts that Mueller discloses a catheter (figs 1-2) as claimed.

Claim 1, as amended, recites *distal tip* having an inner surface which is *contiguous*. Support is found at least from FIG. 6 of the present application. No new matter has been added.

The tip of Mueller, in contrast, is formed of a coextrusion wherein a softer exterior material of the coextrusion is rolled around and over a rigid inner material (col. 2, lines 43-48). Therefore, the tip of Mueller includes a transition from one material into another and does not have a contiguous inner surface as recited in amended claim 1. See Fig. 2 of Mueller.

Consequently, the tip as recited in amended claim 1 of the present application is not the same as the tip disclosed by Mueller. Claims 7 and 8 depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable. Applicants respectfully request withdrawal of the rejection of claims 1, 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Mueller (US 4,801,297).

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35 U.S.C. §103(a)

Claims 1, 3-6, 8 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wantink (US 6,692,461) in view of Mueller and Bazell et al. (US 3,884,242).

The Office Action asserts that:

Wantink discloses the claimed invention substantially as claimed except for the inner surface of the distal tip curving towards the outer surface at the distal end. Bazell and Mueller teach that it is known to make curved and smooth catheter distal tips to prevent tissue trauma. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wantink's catheter tip with Bazell and Mueller's curved configuration since Bazell and Mueller suggest that such configuration would also prevent tissue trauma.

Applicants submit that claim 1, as amended, is directed to a catheter having a catheter shaft and a *noneverted* distal tip. The distal tip has a proximal and distal end and an inner surface and an outer surface. In a longitudinal cross-sectional profile view of the distal tip, the inner surface is *contiguous* and curves towards the outer surface at the distal end and is substantially straight proximal the distal end, and the outer surface curves toward the inner surface or the outer surface remains substantially unchanged at the distal end and is substantially straight proximal the distal end, the distal end having a longitudinal axis, and wherein a radial cross-section of the distal end of the distal tip intersects the longitudinal axis perpendicularly.

Support for this amendment is found at least from figures 5 and 6. No new matter has been added.

Applicants assert that Wantink discloses "[a] balloon catheter including an elongated catheter shaft with proximal and distal ends, proximal and distal shaft sections, a balloon on the distal catheter shaft section having proximal and distal shaft sections, a guidewire receiving lumen extending along at least a portion of the catheter shaft to the catheter shaft distal end, and a tip member on a distal end of the catheter." Abstract.

As indicated on page 3 (item no. 7, second paragraph) of the Office Action, Wantink fails to disclose the inner surface of the distal tip curving towards the outer surface at the distal end as recited in independent claim 1 of the present application.

Mueller has been discussed above. Applicants assert that tip disclosed by Mueller is formed of a coextrusion wherein a softer exterior material of the coextrusion is rolled around

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and over a rigid inner material (col. 2, lines 43-48).

Bazell et al. disclose cuff and catheter tip assemblies for catheter tubes of all types. Bazell et al. disclose a catheter tip molded of a material having a durometer which is equal to or harder than the catheter tube body which have precisely molded *tapered* configurations and the openings in which have smoothly chamfered edges which provide for medically smooth traveling edges (col. 4, The Invention, lines 43-68 and col. 5, lines 30-35).

Combining either the tip of Mueller or the tapered tip of Bazell et al. with Wantink does not lead one of skill in the art to the distal tip as recited in amended claim 1. Claims 3-6, 8 and 17 depend from claim 1 and are patentable for at least the reasons that claim 1 is patentable.

Applicants respectfully request withdrawal of the rejection of claims 1, 3-6, 8 and 17 under 35 U.S.C. §103(a) as being unpatentable over Wantink (US 6,692,461) in view of Mueller and Bazell et al. (US 3,884,242).

Support for new claims 18-20 is found at least from FIG. 2 and from the description for FIG. 2 on page 6, lines 6-22. No new matter has been added. New claims 18-20 are seen as being patentably distinct over the art of record. The references fail to disclose a balloon formed from a first material and having a distal tip formed from a second material different from the first material and having a structure as recited in independent claim 18.

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CONCLUSION

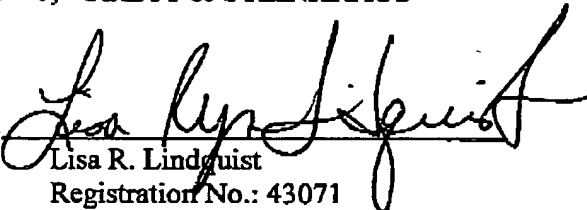
Claims 1 and 3-8 and 17-20 are pending in the application. Claims 9-16 have been canceled without prejudice. Applicants have addressed each of the issues presented in the Office Action. Based on the foregoing, Applicants respectfully request reconsideration and an early allowance of the claims as presented. Should any issues remain, the attorney of record may be reached at (952)563-3011, to expedite prosecution of this application.

Respectfully submitted,

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